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OFFICE OF PETITIONS

In re Application of :
Luo et al. :
Application No. 10/727,083 : ON PETITION
Filed: 2 December, 2003 :
Attorney Docket No. 2267.006 :

This is a decision on the petition under 37 CFR 1.137(a), filed on 17 September, 2004, to revive the above-identified application.

The petition is **DISMISSED AS MOOT.**

On 2 December, 2003, the present application was filed. On 4 March, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, an executed oath or declaration, and a surcharge for their late filing. A two (2) month period for reply was set. The present petition was filed on 17 September, 2004, accompanied by a four (4) month extension of time, the statutory basic filing fee, the late filing surcharge, and an executed declaration.

Since the basic filing fee, declaration, and surcharge filed on 17 September, 2004, were filed within the extendable period for reply to the Notice mailed on 4 March, 2004, the application did not become abandoned. The petition under 37 CFR 1.137(a) is therefore unnecessary and will be dismissed as moot.

The petition fee of \$55.00 is unnecessary. However, a five (5) month extension of time fee is due and will be charged to counsel's deposit account. In accordance with the authorization filed on 8 October, 2004, counsel's deposit account, No. 13-0439 will be charged a total of \$245.00.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in cursive script, appearing to read "D. Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions